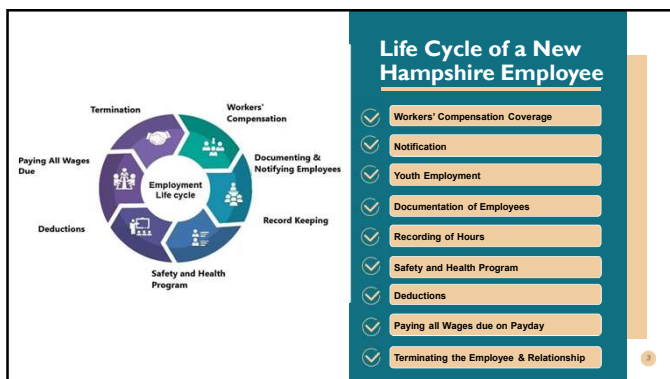


Top 10 Labor Violations

1 <i>Pay all Wages Due</i> RSA 275:43 Lab 803.01	2 <i>Record Keeping</i> RSA 279:27 Lab 803.03	3 <i>Youth Employment</i> RSA 276-A Lab 1000	4 <i>Required Pay (2-hour minimum)</i> RSA 275:43-a Lab 803.03 (h) (i) (j)	5 <i>Notification in writing</i> RSA 275:49 Lab 803.03
6 <i>Documentation of Employees</i> RSA 275-A:4-a	7 <i>Deductions from Wages</i> RSA 275:48 Lab 803.02 (b) (e) (f)	8 <i>Secure workers' compensation coverage & proper employee classification</i> RSA 275:42 I, II & RSA 281-A	9 <i>Written Safety Plan</i> RSA 281-A:64 Lab 602.01, 602.02, 603.02, 603.03	10 <i>Pay Minimum Wage</i> RSA 279:21 Lab 803.02



A presentation slide for the Workers' Compensation Coverage Division. It features a teal background with a white text box on the left containing contact information. The background image shows a hand holding a pen over a document labeled 'WORK INJURY' and a calculator.

**Workers' Compensation
Coverage Division**

Coverage:
Phone: 603.271.3175
Email: NHCoverage@dol.nh.gov

Claims:
Phone: 603.271.3174
Email: WorkersComp@dol.nh.gov

A presentation slide titled 'Workers' Compensation'. It features a teal background with a white text box on the left containing the title. The background image shows a hand writing on a document.

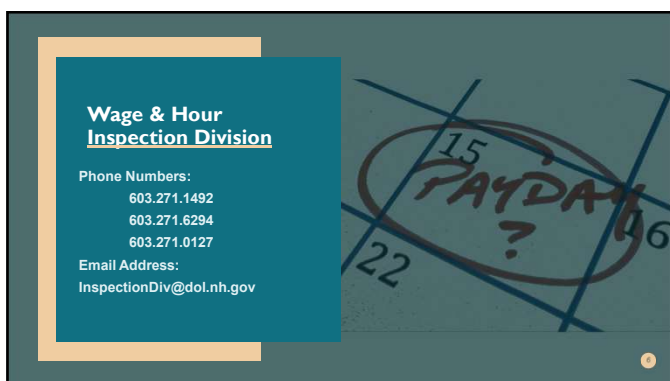
**Workers'
Compensation**

Coverage:

- Secure & Maintain NH Workers' Compensation Insurance Coverage
 - Misrepresentation of Workers
 - Exclusion of Executive Officers
 - Prime Contractor's Responsibility

Claims:

- Filing A First Report of Injury
- First Aid
- Job Modification
- Second Injury Fund

A presentation slide for the Wage & Hour Inspection Division. It features a teal background with a white text box on the left containing contact information. The background image shows a calendar with 'PAYDAY?' circled in red.

**Wage & Hour
Inspection Division**

Phone Numbers:
603.271.1492
603.271.6294
603.271.0127

Email Address:
InspectionDiv@dol.nh.gov

Notification RSA 275:49

Wages

- In Writing
- At least minimum Wage
- Signed by the employee
- Copy maintained by the employer
- Hourly, Salary, Commission, etc.

Benefits

- Vacation, Sick, Holiday
- What qualifies an employee to benefits
- How it is earned, lost, and calculation at termination
- Accrued benefits cannot be lost with change

Notification RSA 275:49

Company Name/Logo Here

SAMPLE FORM

New Hire Rate of Pay
RSA 275:49 Lab 903.03

Employee name:

Date:

Rate of pay:

Pay period is:

Payday is:

Benefits offered:

Signature of employee

Changes in Rate of Pay

Date:

Rate of pay:

Signature of employee

Changes in Rate of Pay

Date:

Rate of pay:

Signature of employee

YOUTH

AGE	DOCUMENTATION	WHEN	WHAT
Under 16	Youth Certificate	Within three days of the 1 st day of employment	Employment or Volunteering

YOUTH HOURS			
Age Under 16		Age 16 / 17	
Every Day	Not earlier than 7AM , no later than 9PM*	Certain Labor	No more than 10.25 hours per day
School Day	Not more than 3 hours on School Day (Yes, Friday is a school day)	Night work	No more than 8 hours in a day when working 3 or more nights in the week
School Week	No more than 23 hours*	Full School Week	No more than 30 hours
Full Vacation Week	No more than 48 hours	4 Day School Week	No more than 40.25 hours
USDOL Differences	*Not earlier than 7AM, no later than 7PM except in Summer when it's 9PM *18 Hours for school week	3 or less days of School Week	No more than 48 hours

YOUTH HAZARDS			
Age Under 16		Age 16 / 17	
No Construction	Cannot be on a work site	No Driving	At age 17 Limited non time-sensitive driving is permissible
No Manufacturing or Warehouse	Cannot walk into a warehouse	No power-driven Meat or Food Slicers	Limited Exemption for bona-fide student learners
No Golf Carts / Go Carts	Cannot handle or move even while engines are off	No Roofing	Or working on or about a roof
No Mowing or Weed Whacking	Raking and hand weeding is permissible	No power-driven Bakery Machines	No using, repairing, or setting up (a.) Batter Mixers
No Open Water Lifeguarding	At age 15 may lifeguard around pool	***Please see all HOs in the USDOL's Child Labor Bulletin or go to: www.youthrules.gov	

Documentation of Employees
RSA 275-A:4-a

Citizen Protection

- Document to show Identity
- Document to show Eligibility
- Federal Form

Record Keeping RSA 279:27


- ✓ True & Accurate Record Keeping
- ✓ Rounding
- ✓ Two Hour Minimum
- ✓ Hourly vs Salary

- ✓ Edits signed / initialed by the employee
- ✓ Fair & Equitable
- ✓ Sick or Family Emergency with Documentation
Exemption for Public Employees
- ✓ Time records for hourly and non-exempt salary


Safety Inspection Division

Phone Numbers:
603.271.6850
603.271.6297


Email Address:
Safety@dol.nh.gov



Safety & Health



File a Safety
Summary
Form



[illegible]

Safety & Health

Joint Loss Management Committee Meetings

File a Safety Summary Form

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Safety & Health

UNION-PRIVATE SECTOR CAMPAIGN
Joint Labor Management Committee Information known as JLMC or Safety Committee
Meeting Minutes

Date: _____

Date of Meeting & Start Time: _____

JLMC Representatives (Name & Title):

Management Representative(s)	Employee Representative(s) (non-supervisory)

LAO 002-02: Must have equal numbers of employer and employee representatives or more employee than management representative.

Committee Purpose: The purpose of a JLMC is to bring workers and management together in a non-adversarial, cooperative effort to promote safety and health in their workplace.

Meeting (Discussion of Committee)

- Review previous meeting's recap, minutes of meeting.
- Ask those who haven't attended, if they should be allowed?
- Review any new incidents, safety concerns / contingencies
- Review Safety Program / Manual
- Review Safety Training for 2015
- Review of Available Written Laws and Rules and Check List 001
- Review any employee safety suggestions
- Review Safety Rules, Guidelines, and Policies in the Plant
- Review Safety Rules, Procedures and Orders

Check List 001-01: Safety Officer, Assigned Duties, & Responsibilities.

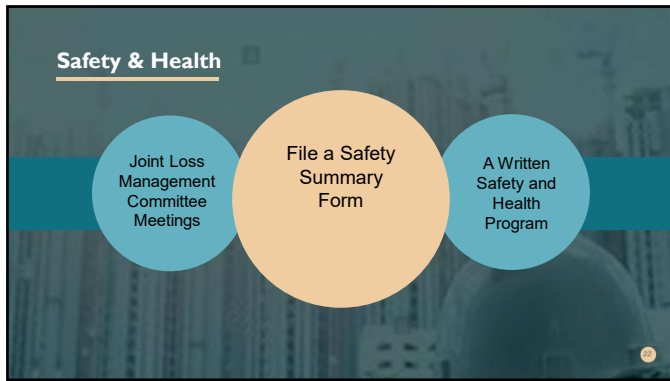
Discuss and plan priority meeting, set up a meeting agenda to discuss safety rules, discussion minutes of previous, review safety inspection, review safety statement, goals, and objectives of all employees, identify and prioritize employees' specific safety training review employee suggestion box, select safety training on (rate)

Review from Previous Meetings:

Have these things in your job from the last meeting? Were they taken care of? Have major safety hazards been communicated to the employees for action purposes? Examples: broken safety, loose things, etc.

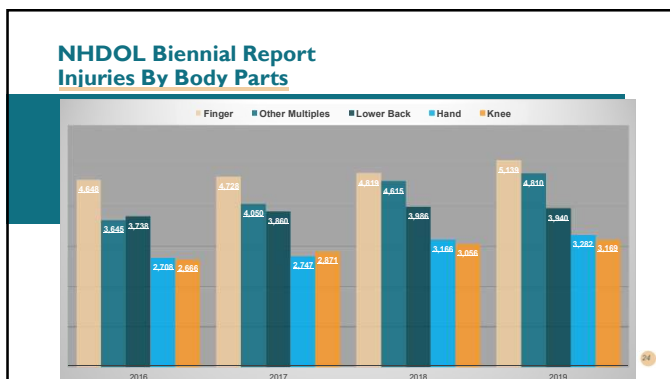
Management Representative(s)	Employee Representative(s) (non-supervisory)

Applicable NIOSH Standard: [29A.331.1 & 4.1](#) Administrative Rule 100: [Safety Program and Job List](#)
[Regulation Committee](#)



Safety & Health Program

1 <i>Introduction & Management Statement of Commitment</i>	2 <i>Responsibilities: Management, Supervisors, Employees, Safety Director</i>	3 <i>Joint Loss Management Committee (JLMC)</i>	4 <i>Safety Rules & Regulations</i>	5 <i>Disciplinary Policies</i>
6 <i>Accident / Incident Reporting</i>	7 <i>Training Requirements for Safety & Health</i>	8 <i>Emergency Evacuation & Response Plans</i>	9 <i>Safety & Health Communications</i>	10 <i>Workplace Violence</i>



NHDOL Biennial Report Injuries By Body Parts

Causes	2016	2017	2018	2019
1. Slip or Fall	8,038	9,493	10,251	10,445
2. Lifting Action	7,025	7,012	7,162	7,343
3. Person	2,995	3,676	4,317	5,041
4. Hit by Object	3,889	4,038	4,154	4,619
5. Other	4,070	3,478	3,981	4,274
6. Sharp Object	2,298	2,026	2,345	2,523
7. Tool	1,891	1,967	2,152	2,137
8. Non Applicable	1,318	1,368	1,459	1,691
9. Repetitious	1,050	1,044	1,048	1,086
10. Motor Vehicle Accident	729	828	812	915

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Why Invest in Workplace Safety

A Written Safety Program with the help of JLMC Will...

Reduce fatalities, injuries and illnesses	Increase productivity and financial performance	Reduce absenteeism and turnover	Raise employee morale	Reduce direct and indirect costs
---	---	---------------------------------	-----------------------	----------------------------------

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Fatalities, Injuries, and Illnesses Will Increase Costs

Direct Costs	Indirect Costs
✓ Medical Expenses	✓ Lost Time to assist injured worker
✓ Increase of Workers' Compensation Premiums	✓ Damage to tools, equipment, materials and property
✓ Compensation to injured employees for time away from work	✓ Losses due to late or unfilled orders, loss of bonuses or payment of penalties
✓ Repair or replacement of damaged equipment, buildings, and other items	✓ Loss of profit because of lost work time and idle machines

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How to Determine Total Cost of an Employee Injury

Direct Cost	Cost Multiplier
\$0 - \$2,999	4.5
\$3,000 - \$4,999	1.6
\$5,000 - \$9,999	1.2
\$10,000 or more	1.1

- Indirect cost = direct cost X cost multiplier
- Cost multiplier depends on size of direct cost
- Total cost = Direct cost + Indirect Cost

✓ Example:

The Insurance Claim Cost = \$12,000
 Indirect cost $\$12,000 \times 1.1 = \$13,200$
 Total cost $\$12,000 + \$13,200 = \$25,200$

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Deductions RSA 275:48

All Allowable Deductions:

- *Accidental Overpayment*
 - *Voluntary & in writing*
 - *Dates to begin & end*
 - *No more than 20% of gross wages for any 1 pay period*
- *Insurance benefit lapse*
 - *Employer responsible for failed obligation & deducted premiums*

Deductions RSA 275:48

Company Name/Logo Here
 SAMPLE FORM
 AUTHORIZATION FOR ACCIDENTAL
 OVERPAYMENT DEDUCTION
 RSA 275:48

I, _____, hereby authorize
 (Print employee's name)
 _____ to deduct from my wages
 (Employee)
 the sum of \$ _____ beginning _____ and ending _____
 (Amount) (Date) (Date)

I am authorizing this voluntary deduction as specified in RSA 275:48.

For deductions made for accidental overpayments employers are not allowed to deduct more than 20 percent of the employee's gross pay in any pay period. (See RSA 275:48 (a), (4), (C)(ii).)

In the event my employment ends for any reason before the final deduction is made, the entire balance may ☐ or ☐ may not be deducted from my final wages.

 (Employee's Signature) (Date Signed)

Deductions:

- *Accidental Overpayment*
 - *Voluntary & in writing*
 - *Dates to begin & end*
 - *No more than 20% of gross wages for any 1 pay period*
- *Insurance benefit lapse*
 - *Employer responsible for failed obligation & deducted premiums*


Payment of Wages
RSA 275:43



- ✓ **Permission to pay other than weekly or bi-weekly**
- ✓ **Payment Options**
 - Checks
 - On bank that is convenient
 - No fee to cash paycheck
 - Direct Deposit
 - Pay Card
- ✓ **Paying all wages due**
 - Short Breaks & Lunch Periods
 - Rounding
 - Late Pays
 - Miscalculations or errors in pay

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Salaried Employees
RSA 275:43-b

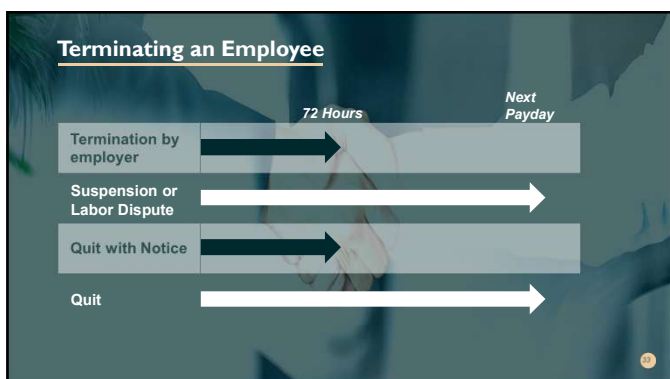


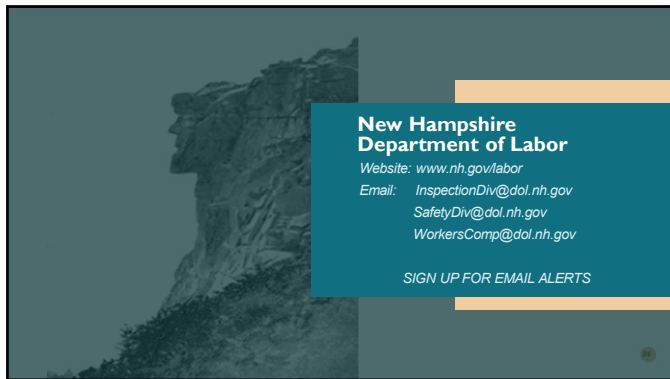
- ✓ **Paid the same salary for each pay period**
Regardless of quality or quantity of work

Unless

- No work performed at all in a pay period
- Bereavement leave
- Family Medical Leave Act
- If a salaried employee voluntarily, without coercion or pressure, requests time off without pay for any portion of a pay period
- Offset any amount received for Jury duty, or military pay

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Overtime



Covered, non-exempt employees must receive one and one-half times their regular rate of pay for all hours worked over forty in a workweek

- All time that is hours worked must be counted when determining overtime hours worked.



FACT
SHEET:
Overtime

Overtime



- Compliance determined by workweek
- Each workweek stands alone
- Workweek is 7 consecutive 24-hour periods (168 hours)

Overtime

Regular Rate

- Determined by dividing total earnings in workweek by total number of hours worked in workweek

$$\text{Total Compensation} \div \text{Total Hours Worked} = \text{RR}$$

- *Regular Rate* may not be less than the applicable minimum wage
- *Total earnings include commissions, certain bonuses, and cost of room, board, and other facilities provided primarily for the employee's benefit*

Overtime

Regular Rate and Premium Pay for OT Hours

- **STEP 1:** Total compensation paid in a workweek (minus statutory exclusions) divided by total hours worked in the workweek

$$\text{Total Compensation} \div \text{Total Hours} = \text{RR}$$
- **STEP 2:** $\text{RR} \times .5 = \text{Half-time Premium Pay per OT Hour}$
- **STEP 3:** $(\text{Half-time}) \text{ Premium Pay Rate} \times \text{Overtime Hours in the Workweek} = \text{Overtime Compensation Due}$



Overtime

Exercise: Production Bonus

Hourly Rate:	\$12.00	48H x \$12 =	\$576
Bonus per week:	\$100.00	\$576 + \$100 =	\$676
Hours worked:	48	\$676 ÷ 48H =	\$14.08 RR
		\$14.08 x .5 =	\$7.04
		\$7.04 x 8H =	\$56.32 OT
• Total compensation for week:		\$676 + \$56.32 =	\$732.32

Overtime

Exclusions from the Regular Rate

- Gifts, *discretionary* bonuses
- Payments for time not worked
- Reimbursements for expenses
- Profit sharing plans, stock options
- Retirement and insurance plan contributions
- Overtime premium payments

Exemptions

Exemptions

There are numerous exemptions from the minimum wage and/or overtime standards of the FLSA

One of the most common FLSA minimum wage and overtime exemptions is often called the "541," "white collar" or "EAP" exemption

Overtime

Three Tests for the "White Collar" Exemptions

1. Salary Basis
2. Salary Level
3. Job Duties



FACT
SHEET:
Blue Collar
Workers

Overtime

Salary Level Test

For most employees the minimum salary level required for exemption is **\$684.00 per week.**

New Overtime Rule Nondiscretionary Bonuses

- Nondiscretionary bonuses and incentive payments (including commissions) are forms of compensation promised in advance to employees (e.g., bonuses for meeting set production goals, retention bonuses, and commission payments based on a fixed formula).
- May be used to satisfy up to 10% of the standard salary and special salary levels.
 - Minimum of 90% (approx. \$616 per week) of standard salary level must be paid as a weekly salary.
- Bonuses must be paid on an annual or more frequent basis.

New Overtime Rule Catch-Up Payments

- If an employee does not earn enough from nondiscretionary bonuses, commissions, or incentive payments to meet the standard salary level in the 52-week period – an employer may make a "catch-up" payment within one pay period after the end of the 52-week period.
- Any such "catch-up" payment will count only toward the prior 52-weeks salary amount and not toward the salary amount during the period in which it is paid.

New Overtime Rule Example Catch-Up Payments

1/2/2020 – 12/30/2020

January – June
\$616 per week + \$1,300 bonus

July – December
\$616 per week + \$2,000 bonus

Catch-Up Payment
\$236

New Overtime Rule Example Catch-Up Payments

Minimum Salary Level

\$684 per week = \$35,568 per year

Employer Paid

\$616 per week = 90% of standard salary level

\$616 X 52 weeks = \$32,032

Jun Bonus \$1300 + Dec Bonus \$2000 = \$35,332

Total paid = **\$35,332** is **\$236 less** than the minimum amount of \$35,568 required per year

Salary Basis Test

- An exempt employee must regularly receive a predetermined amount of compensation each pay period (on a weekly or less frequent basis)
- The compensation cannot be reduced because of variations in the quality or quantity of the work performed
- If employer chooses to use nondiscretionary bonuses and incentive payments to meet the standard salary level, the employee must be paid at least 90% of the standard salary level for any week in which the employee performs **any** work

Duties Tests No Changes

- The Final Rule did not make any changes to the Duties Tests

Executive Duties

No Changes

- Primary duty is management of the enterprise or of a customarily recognized department or subdivision
- Customarily and regularly directs the work of two or more other employees
- Authority to hire or fire other employees or recommendations as to the hiring, firing, advancement, promotion or other change of status of other employees given particular weight

Administrative Duties

No Changes

- Primary duty is the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers
- Primary duty includes the exercise of discretion and independent judgment with respect to matters of significance

Professional Duties

No Changes

- Primary duty is the performance of work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction
- OR**
- Primary duty is the performance of work requiring invention, imagination, originality, or talent in a recognized field of artistic or creative endeavor

Computer-Related Occupations

To qualify for the computer employee exemption, an employee, such as a computer analyst, programmer, or software engineer, must receive either:

- A guaranteed salary or fee of \$684 per week or more, or
- An hourly rate of not less than \$27.63 per hour and
- Their primary duty must be in design, development, or creation of computer systems, systems analysis etc. (as defined in the regulations).

EMPLOYEE RIGHTS

PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The Families First Coronavirus Response Act (FFCRA) is a law that requires certain employers to provide their employees with paid sick leave and expanded family and medical leave to specific reasons related to COVID-19. These provisions are effective from April 1, 2020 through September 8, 2020.

PAID LEAVE ENTITLEMENTS

Generally, employees covered under the Act are entitled to paid leave:

- Up to two weeks (10 hours) for a part-time employee has been equivalent of paid sick leave based on the higher of their regular rate of pay, or the applicable state or federal minimum wage, and at:
 - 100% for qualifying reasons #1-3 below, up to \$511 (day) and \$6,100 (week).
 - 200% for qualifying reasons #4 and 5 below, up to \$203 (day) and \$2,530 (week), and
 - Up to 12 weeks of paid sick leave and expanded family and medical leave paid at 200% qualifying reason #1, leave for up to \$203 (day) and \$2,530 (week).

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over 700 period.

ELIGIBLE EMPLOYEES

Generally, employers with more than 500 employees, and certain public sector employers, are eligible for up to two weeks of paid sick leave for COVID-19 related reasons (see below). Employees who have been employed for at least 52 days prior to their leave request may be eligible for up to an additional 10 weeks of family and medical leave and medical leave for leave of up to 10 weeks.

QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

Employees are entitled to leave related to COVID-19 for the following reasons, including inability to work, because the employee:

1. is subject to a federal, state, or local quarantine or isolation order related to COVID-19;
2. has been advised by a health care provider to self-quarantine related to COVID-19;
3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. is caring for an individual subject to an order described in (1) through (3);
5. is caring for an individual who is subject to an order described in (1) through (3);
6. is caring for an individual who is subject to an order described in (1) through (3);
7. is experiencing any other substantially similar condition specified by the U.S. Department of Health and Human Services.

ENFORCEMENT

The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. Employees may file a complaint, or otherwise report a violation, against an employer who is not complying with the FFCRA. Employees may also file a complaint with the FFCRA. The complaint, or violation, is considered a violation of the FFCRA if it is not in compliance with the FFCRA.

WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

For additional information
in the workplace
call 1-866-487-9243
TTY: 1-877-829-8273
ask-ask@doleta.gov

Quick BENEFITS TIPS FROM DOL

How much paid leave can employees take?

is covered, entitled to paid sick leave as an employee of either a private employer with more than 500 employees or a covered public sector employer.

- Unpaid Sick Leave:** Employees who are not covered by the FFCRA are not entitled to a health care provider's advice to self-quarantine related to COVID-19.

OR

Unpaid Sick Leave: Employees who are not covered by the FFCRA are not entitled to a health care provider's advice to self-quarantine related to COVID-19.
- Unpaid Sick Leave:** Employees who are not covered by the FFCRA are not entitled to a health care provider's advice to self-quarantine related to COVID-19.

OR

Unpaid Sick Leave: Employees who are not covered by the FFCRA are not entitled to a health care provider's advice to self-quarantine related to COVID-19.
- Unpaid Sick Leave:** Employees who are not covered by the FFCRA are not entitled to a health care provider's advice to self-quarantine related to COVID-19.

AND

Unpaid Sick Leave: Employees who are not covered by the FFCRA are not entitled to a health care provider's advice to self-quarantine related to COVID-19.

Learn more at dol.gov/FFCRA

Compliance Assistance

- Northern New England District Office
- PHONE: 603-666-7716
- Web: www.dol.gov/whd

Wage and Hour Division

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